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**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

Case No. 1H 2008 316

AARON CHRISTOPHER JONES  
9164 Somerset Boulevard #18  
Bellflower, California 90706

**STATEMENT OF ISSUES**

Respondent.

Complainant alleges:

**PARTIES**

1. Stephanie Nunez (Complainant) brings this Statement of Issues solely in her official capacity as the Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs (Board).

2. On or about May 16, 2008, the Board received an application for a Respiratory Care Practitioner License from Aaron Christopher Jones (Respondent). On or about May 7, 2008, Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Board denied the application on October 1, 2008.

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JURISDICTION

3. This Statement of Issues is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code), unless otherwise indicated.

4. Section 3710 of the Code states: "The Respiratory Care Board of California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter 8.3, the Respiratory Care Practice Act]."

5. Section 3718 of the Code states: "The board shall issue, deny, suspend, and revoke licenses to practice respiratory care as provided in this chapter."

6. Section 3732, subdivision (b) of the Code states:  
"The board may deny an application, or may order the issuance of a license with terms and conditions, for any of the causes specified in this chapter for suspension or revocation of a license, including, but not limited to, those causes specified in Sections 3750, 3750.5, 3752.5, 3752.6, 3755, 3757, 3760, and 3761."

7. Section 3750 of the Code states:  
"The board may order the denial, suspension or revocation of, or the imposition of probationary conditions upon, a license issued under this chapter, for any of the following causes:

" . . .

"(d) Conviction of a crime that substantially relates to the qualifications, functions, or duties of a respiratory care practitioner. The record of conviction or a certified copy thereof shall be conclusive evidence of the conviction.

" . . .

8. Section 3750.5 of the Code states:  
"In addition to any other grounds specified in this chapter, the board may deny, suspend, or revoke the license of any applicant or license holder who has done any of the following:

"(a) Obtained or possessed in violation of law, or except as directed by a

1 licensed physician and surgeon, dentist, or podiatrist administered to himself or  
2 herself, or furnished or administered to another, any controlled substances as  
3 defined in Division 10 (commencing with Section 11000) of the Health and Safety  
4 Code.

5 ". . . ."

6 9. Section 3752 of the Code states:

7 "A plea or verdict of guilty or a conviction following a plea of nolo  
8 contendere made to a charge of any offense which substantially relates to the  
9 qualifications, functions, or duties of a respiratory care practitioner is deemed to be  
10 a conviction within the meaning of this article. The board shall order the license  
11 suspended or revoked, or may decline to issue a license, when the time for appeal  
12 has elapsed, or the judgment of conviction has been affirmed on appeal or when an  
13 order granting probation is made suspending the imposition of sentence, irrespective  
14 of a subsequent order under Section 1203.4 of the Penal Code allowing the person  
15 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside  
16 the verdict of guilty, or dismissing the accusation, information, or indictment."

17 10. Section 492 of the Code states:

18 "Notwithstanding any other provision of law, successful completion of any  
19 diversion program under the Penal Code, or successful completion of an alcohol and  
20 drug problem assessment program under Article 5 (commencing with section  
21 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any  
22 agency established under Division 2 ([Healing Arts] commencing with Section 500)  
23 of this code, or any initiative act referred to in that division, from taking disciplinary  
24 action against a licensee or from denying a license for professional misconduct,  
25 notwithstanding that evidence of that misconduct may be recorded in a record  
26 pertaining to an arrest."

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1 COST RECOVERY

2 11. Section 3753.5, subdivision (a) of the Code states:

3 "In any order issued in resolution of a disciplinary proceeding before the  
4 board, the board or the administrative law judge may direct any practitioner or  
5 applicant found to have committed a violation or violations of law to pay to the  
6 board a sum not to exceed the costs of the investigation and prosecution of the  
7 case."

8 12. Section 3753.7 of the Code states:

9 "For purposes of the Respiratory Care Practice Act, costs of prosecution  
10 shall include attorney general or other prosecuting attorney fees, expert witness fees,  
11 and other administrative, filing, and service fees."

12 13. Section 3753.1, subdivision (a) of the Code states:

13 "An administrative disciplinary decision imposing terms of probation may  
14 include, among other things, a requirement that the licensee-probationer pay the  
15 monetary costs associated with monitoring the probation."

16 CONTROLLED SUBSTANCE

17 14. Marijuana is a Schedule I controlled substance pursuant to Health and Safety  
18 Code Section 11054.

19 FIRST CAUSE FOR DISCIPLINE

20 (Conviction of a Crime)

21 15. Respondent is subject to disciplinary action under sections 3750,  
22 subdivision (d), and 3752 of the Code, in that he was convicted of crimes substantially  
23 related to the qualifications, functions or duties of a respiratory care practitioner. The  
24 circumstances are as follows:

25 April 22, 2004, Conviction

26 A. On or about April 1, 2004, investigators from the Spartanburg, South  
27 Carolina Sheriff's Department responded to an anonymous complaint of drugs in a  
28 motel room. Respondent and two other suspects consented to a search of the motel

1 room. The investigators found two small bags of marijuana, and some tin cans  
2 containing marijuana residue. Respondent was arrested for possession of  
3 marijuana/hashish.

4 B. On or about April 2, 2004, in Spartanburg Magistrate's Court  
5 Complaint No. 21557CO, Respondent was charged with possession of 28 grams  
6 (one ounce) or less of marijuana or 10 grams or less of hashish, in violation of  
7 South Carolina Code section 0659.

8 C. On or about April 22, 2004, Respondent was convicted by a bench  
9 trial of possession of 28 grams (one ounce) or less of marijuana or 10 grams or less  
10 of hashish. He was ordered to pay costs of \$565.00.

11 February 7, 2000, Conviction

12 D. On or about November 21, 1999, Respondent was issued a Notice to  
13 Appear by Los Angeles City Police Officers for exhibition of speed in a motor  
14 vehicle, possession of alcohol in a motor vehicle by a person under the age of 21  
15 years, and having a blood alcohol concentration of 0.01 percent or greater by a  
16 person under the age of 21 years.

17 E. In Los Angeles County Municipal Court Complaint No. 4491779,  
18 Respondent was charged with exhibition of speed, in violation of Vehicle Code  
19 section 23109, subdivision (c), a misdemeanor (Count 1); possession of alcohol in a  
20 motor vehicle by a person under the age of 21 years, in violation of Vehicle Code  
21 section 23224, subdivision (a), a misdemeanor (Count 2); and having a blood  
22 alcohol concentration of 0.01 percent or greater by a person under the age of 21  
23 years, in violation of Vehicle Code section 23136, a misdemeanor (Count 3).

24 F. On or about February 7, 2000, Respondent was convicted upon his  
25 plea of nolo contendere to possession of alcohol in a motor vehicle by a person  
26 under the age of 21 years (Count 2). He was placed on probation for one year, and  
27 ordered to pay fines of \$551.00. Counts 1 and 3 of the complaint were dismissed.

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1 Respiratory Care Practitioner License;

2. Directing Aaron Christopher Jones to pay the Respiratory Care

3 Board the costs of the investigation and enforcement of this case, and if placed on

4 || probation, the costs of probation monitoring; and

5                 3. Taking such other and further action as deemed necessary and

6 || proper.

7 DATED: December 23, 2008

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10	Original signed by Liane Zimmerman for:
11	STEPHANIE NUNEZ
12	Executive Officer
	Respiratory Care Board of California
	Department of Consumer Affairs
	State of California
	Complainant

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